



General Assembly

February Session, 2012

***Raised Bill No. 349***

LCO No. 1887

\*01887\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING TRAINING FOR INLAND WETLANDS AGENCY MEMBERS AND AGENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (l) to (n), inclusive of section 22a-39 of the  
2 general statutes are repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2012*):

4 (l) Develop a comprehensive training program for inland wetlands  
5 agency members and agents, a basic training program for inland  
6 wetlands agency members first appointed or elected on or after  
7 January 1, 2014, and an annual update training program for agents.  
8 Such basic training program shall be made available on-line and as a  
9 classroom course;

10 (m) Adopt regulations in accordance with the provisions of chapter  
11 54 establishing reporting requirements for inland wetlands agencies,  
12 which shall include provisions for reports to the commissioner on  
13 permits, orders and other actions of such agencies and development of  
14 a form for such reports; and

15 (n) The commissioner shall issue a certificate to any member of a  
16 municipal inland wetlands agency or its staff who completes the  
17 training program offered annually by the commissioner for such  
18 officials. In the case of any basic training program, the commissioner,  
19 or the entity that provides such on-line training, shall provide a  
20 certificate to any member of a municipal inland wetlands agency who  
21 completes such basic training program.

22 Sec. 2. Subdivision (2) of subsection (c) of section 22a-42a of the 2012  
23 supplement to the general statutes is repealed and the following is  
24 substituted in lieu thereof (*Effective October 1, 2012*):

25 (2) An inland wetlands agency may delegate to its duly authorized  
26 agent the authority to approve or extend an activity that is not located  
27 in a wetland or watercourse when such agent finds that the conduct of  
28 such activity would result in no greater than a minimal impact on any  
29 wetland or watercourse provided such agent has completed the  
30 comprehensive training program developed by the commissioner  
31 pursuant to section 22a-39, as amended by this act. Any such  
32 delegation of authority that occurs on or after January 1, 2015, shall  
33 expire not later than one year after such delegation if such duly  
34 authorized agent fails to complete the annual update training program  
35 developed by the commissioner pursuant to section 22a-39, as  
36 amended by this act. In the event of any such failure, the inland  
37 wetlands agency may not delegate authority to such agent until such  
38 agent completes such update training program. Notwithstanding the  
39 provisions for receipt and processing applications prescribed in  
40 subdivision (1) of this subsection, such agent may approve or extend  
41 such an activity at any time. Any person receiving such approval from  
42 such agent shall, within ten days of the date of such approval, publish,  
43 at the applicant's expense, notice of the approval in a newspaper  
44 having a general circulation in the town wherein the activity is located  
45 or will have an effect. Any person may appeal such decision of such  
46 agent to the inland wetlands agency within fifteen days after the  
47 publication date of the notice and the inland wetlands agency shall

48 consider such appeal at its next regularly scheduled meeting provided  
49 such meeting is no earlier than three business days after receipt by  
50 such agency or its agent of such appeal. The inland wetlands agency  
51 shall, at its discretion, sustain, alter or reject the decision of its agent or  
52 require an application for a permit in accordance with subdivision (1)  
53 of subsection (c) of this section.

54 Sec. 3. Subsection (d) of section 22a-42 of the general statutes is  
55 repealed and the following is substituted in lieu thereof (*Effective*  
56 *October 1, 2012*):

57 (d) At least one member of the inland wetlands agency or staff of  
58 the agency shall be a person who has completed the comprehensive  
59 training program developed by the commissioner pursuant to section  
60 22a-39, as amended by this act. Failure to have a member of the agency  
61 or staff with training shall not affect the validity of any action of the  
62 agency. Any member first appointed or elected to an inland wetlands  
63 agency on or after January 1, 2014, shall complete the basic training  
64 program developed by the commissioner pursuant to section 22a-39, as  
65 amended by this act. Such member may complete the basic training  
66 program on-line or as a classroom course. If any such inland wetlands  
67 agency has more than one new member in any calendar year, the  
68 respective town may apply to the commissioner for a voucher for the  
69 registration fee of the on-line basic training program for each  
70 additional new member. The commissioner shall provide the  
71 maximum number of such vouchers that funds from the penalties  
72 collected pursuant to subsection (b) of section 22a-44, as amended by  
73 this act, will cover. Not less than once per calendar year, the respective  
74 town for such inland wetlands agency shall post a list of all agency  
75 members and the training that each member completed.  
76 Concomitantly, each inland wetlands agency shall submit a copy of  
77 such list to the commissioner. The commissioner shall annually make  
78 such [program] comprehensive and basic training programs available  
79 to one person from each town without cost to that person or the town.  
80 Each inland wetlands agency shall hold a meeting at least once

81 annually at which information is presented to the members of the  
82 agency which summarizes the provisions of the training program and  
83 that emphasizes any new laws, regulations and other relevant legal  
84 matters. Each inland wetlands agency shall submit a copy of the  
85 minutes from each such meeting to the commissioner. The  
86 commissioner shall develop such information in consultation with  
87 interested persons affected by the regulation of inland wetlands and  
88 shall provide for distribution of video presentations and related  
89 written materials which convey such information to inland wetlands  
90 agencies. In addition to such materials, the commissioner, in  
91 consultation with such persons, shall prepare materials which provide  
92 guidance to municipalities in carrying out the provisions of subsection  
93 (f) of section 22a-42a.

94 Sec. 4. Subsection (b) of section 22a-44 of the general statutes is  
95 repealed and the following is substituted in lieu thereof (*Effective*  
96 *October 1, 2012*):

97 (b) Any person who commits, takes part in, or assists in any  
98 violation of any provision of sections 22a-36 to 22a-45, inclusive,  
99 including regulations adopted by the commissioner and ordinances  
100 and regulations promulgated by municipalities or districts pursuant to  
101 the grant of authority herein contained, shall be assessed a civil  
102 penalty of not more than one thousand dollars for each offense. Each  
103 violation of said sections shall be a separate and distinct offense, and,  
104 in the case of a continuing violation, each day's continuance thereof  
105 shall be deemed to be a separate and distinct offense. The Superior  
106 Court, in an action brought by the commissioner, municipality, district  
107 or any person, shall have jurisdiction to restrain a continuing violation  
108 of said sections, to issue orders directing that the violation be corrected  
109 or removed and to assess civil penalties pursuant to this section. All  
110 costs, fees and expenses in connection with such action shall be  
111 assessed as damages against the violator together with reasonable  
112 attorney's fees which may be allowed, all of which shall be awarded to  
113 the commissioner, municipality, district or person which brought such

114 action. All penalties collected pursuant to this section shall be used  
 115 solely by the Commissioner of Energy and Environmental Protection  
 116 for the following purposes: (1) [to] To restore the affected wetlands or  
 117 watercourses to their condition prior to the violation, wherever  
 118 possible, (2) to restore other degraded wetlands or watercourses, (3) to  
 119 inventory or index wetlands and watercourses of the state, [or] (4) to  
 120 implement a comprehensive training program for inland wetlands  
 121 agency members, or (5) to cover the costs of providing vouchers for the  
 122 registration fee for the on-line basic training program for inland  
 123 wetlands agency members, developed pursuant to section 22a-39, as  
 124 amended by this act. The commissioner may accept grants, donations  
 125 and other sources of funds to supplement funds available for such  
 126 purposes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	22a-39(l) to (n), inclusive
Sec. 2	<i>October 1, 2012</i>	22a-42a(c)(2)
Sec. 3	<i>October 1, 2012</i>	22a-42(d)
Sec. 4	<i>October 1, 2012</i>	22a-44(b)

***Statement of Purpose:***

To provide training to a larger number of inland wetlands agency members and agents.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*